



January 24, 2014

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## HOUSE BILL No. 1342

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DIGEST OF HB 1342 (Updated January 22, 2014 11:48 am - DI 84)

**Citations Affected:** IC 6-6; IC 6-8.1; IC 13-11; IC 13-20; IC 13-22; IC 13-23; IC 13-25; IC 35-51.

**Synopsis:** Environmental fees and expenses. Provides that the hazardous waste disposal fee (which replaces the hazardous waste disposal tax), the fee on the disposal or incineration of solid waste, and the annual registration fee paid by owners of underground storage tanks shall be collected by the department of environmental management instead of the department of state revenue. Provides that if an underground storage tank consists of a single tank in which there are separate compartments, a separate annual registration fee shall be paid for each compartment within the single tank. Allows the commissioner of the department of environmental management, under certain circumstances, to authorize the modification of a restrictive covenant that the owner of a property contaminated with a hazardous substance has been required to execute and record. Provides for the administrative and personnel expenses incurred by the state in evaluating a proposed modification of a restrictive covenant to be paid from the hazardous substances response trust fund, and requires the environmental rules board to adopt rules providing for the recovery of those expenses by the state. Removes references to the solid waste management board, which was abolished on January 1, 2013.

**Effective:** July 1, 2014.

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January 15, 2014, read first time and referred to Committee on Environmental Affairs.  
January 23, 2014, reported — Do Pass.

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HB 1342—LS 7041/DI 55





January 24, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1342

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A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 6-6-6.6 IS REPEALED [EFFECTIVE JULY 1,  
2       2014]. (Hazardous Waste Disposal Tax).  
3       SECTION 2. IC 6-8.1-1-1, AS AMENDED BY P.L.277-2013,  
4       SECTION 15, AND AS AMENDED BY P.L.288-2013, SECTION 68,  
5       IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
6       [EFFECTIVE JULY 1, 2014]: Sec. 1. "Listed taxes" or "taxes" includes  
7       only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the  
8       riverboat admissions tax (IC 4-33-12); the riverboat wagering tax  
9       (IC 4-33-13); the slot machine wagering tax (IC 4-35-8); the type II  
10      gambling game excise tax (IC 4-36-9); the gross income tax (IC 6-2.1)  
11      (repealed); the utility receipts and utility services use taxes (IC 6-2.3);  
12      the state gross retail and use taxes (IC 6-2.5); the adjusted gross income  
13      tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the  
14      county adjusted gross income tax (IC 6-3.5-1.1); the county option  
15      income tax (IC 6-3.5-6); the county economic development income tax  
16      (IC 6-3.5-7); the auto rental excise tax (IC 6-6-9); the financial

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institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); ~~the alternative fuel permit fee (IC 6-6-2.1)~~; the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3; the motor vehicle excise tax (IC 6-6-5); ~~the aviation fuel excise tax (IC 6-6-13)~~; the commercial vehicle excise tax (IC 6-6-5.5); the excise tax imposed on recreational vehicles and truck campers (IC 6-6-5.1); the hazardous waste disposal tax (IC 6-6-6.6) **(repealed)**; the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various food and beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the regional transportation improvement income tax (IC 8-24-17); the oil inspection fee (IC 16-44-2); the emergency and hazardous chemical inventory form fee (IC 6-6-10); the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-30); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-30); ~~the underground storage tank fee (IC 13-23); the solid waste management fee (IC 13-20-22);~~ and any other tax or fee that the department is required to collect or administer.

SECTION 3. IC 6-8.1-4-1.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1.6. Subject to the discretion of the commissioner as set forth in section 1 of this chapter, the commissioner shall establish within the department a special tax division. The division shall do the following:

- (1) Administer and enforce the following:
  - (A) Gasoline tax (IC 6-6-1.1).
  - (B) Special fuel tax (IC 6-6-2.5).
  - (C) Motor carrier fuel tax (IC 6-6-4.1).
  - ~~(D) Hazardous waste disposal tax (IC 6-6-6.6).~~
  - ~~(E)~~ **(D)** Cigarette tax (IC 6-7-1).
  - ~~(F)~~ **(E)** Tobacco products tax (IC 6-7-2).
  - ~~(G)~~ **(F)** Alcoholic beverage tax (IC 7.1-4).
  - ~~(H)~~ **(G)** Petroleum severance tax (IC 6-8-1).
  - ~~(I)~~ **(H)** Any other tax the commissioner designates.
- (2) Upon the commissioner's request, conduct studies of the department's operations and recommend whatever changes seem advisable.
- (3) Annually audit a statistical sampling of the returns filed for the taxes administered by the division.
- (4) Annually audit a statistical sampling of registrants with the



bureau of motor vehicles, international registration plan division.

(5) Review federal tax returns and other data that may be helpful in performing the division's function.

(6) Furnish, at the commissioner's request, information that the commissioner requires.

(7) Conduct audits requested by the commissioner or the commissioner's designee.

(8) Administer the statutes providing for motor carrier regulation (IC 8-2.1).

SECTION 4. IC 13-11-2-57 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 57. "Disposal", for purposes of environmental management laws, means the:

(1) discharge;

(2) deposit;

(3) injection;

(4) spilling;

(5) leaking; or

(6) placing;

of any solid waste or hazardous waste into or on any land or water so that the solid waste or hazardous waste, or any constituent of the waste, may enter the environment, be emitted into the air, or be discharged into any waters, including ground waters.

(b) "Disposal", for purposes of IC 13-29-1, means the isolation of waste from the biosphere in a permanent facility designed for that purpose.

**(c) "Disposal", for purposes of IC 13-22-12-3.5, means all forms of disposal in or on the land, including underground injection.**

SECTION 5. IC 13-11-2-57.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 57.2. "Disposal facility", for purposes of IC 13-22-12-3.5, means a site where hazardous wastes are disposed of in or on the land, including a site associated with, within, or adjacent to facilities generating the waste.**

SECTION 6. IC 13-11-2-99 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 99. (a) "Hazardous waste", for purposes of section 96(a) of this chapter, IC 13-19, and environmental management laws, means a solid waste or combination of solid wastes that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

(1) cause or significantly contribute to an increase in:

(A) mortality;

(B) serious irreversible illness; or



- (C) incapacitating reversible illness; or  
 (2) pose a substantial present or potential hazard to:  
 (A) human health; or  
 (B) the environment;

when improperly treated, stored, transported, disposed of, or otherwise managed.

(b) "Hazardous waste", for purposes of IC 13-22-10, includes a waste determined to be a hazardous waste under IC 13-22-2-3(b).

(c) "Hazardous waste", for purposes of IC 13-22-11, has the meaning set forth in the federal Resource Conservation and Recovery Act (42 U.S.C. 6903(5)), as in effect January 1, 1989.

**(d) "Hazardous waste", for purposes of IC 13-22-12-3.5, includes any waste that:**

- (1) meets the definition set forth in subsection (a);**  
**(2) is determined to be hazardous under the criteria developed under IC 13-22-2-3(a); or**  
**(3) is included on the list compiled and maintained by the board under IC 13-22-2-3(b).**

SECTION 7. IC 13-11-2-232.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 232.8. "Ton", for purposes of IC 13-22-12-3.5, means a short ton.**

SECTION 8. IC 13-20-22-1, AS AMENDED BY P.L.131-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. ~~(a) Unless the legislative body of a county having a consolidated city elects by ordinance to participate in the rules, ordinances, and governmental structures enacted or created under this chapter, the collection of fees on the disposal of solid waste in a final disposal facility located in that county are exempt until December 2, 2008; from regulation or control under this chapter.~~

~~(b)~~ **(a)** A fee is imposed on the disposal or incineration of solid waste in a final disposal facility in Indiana. Except as provided in section 14 of this chapter, the amount of the fee is as follows:

- (1) For solid waste generated in Indiana and delivered to a final disposal facility in a motor vehicle having a registered gross vehicle weight greater than nine thousand (9,000) pounds, fifty cents (\$0.50) a ton.  
 (2) For solid waste generated outside Indiana and delivered to a final disposal facility in a motor vehicle having a registered gross vehicle weight greater than nine thousand (9,000) pounds:  
 (A) fifty cents (\$0.50) a ton; and  
 (B) if the ~~solid waste management~~ board has adopted rules



- 1 under subsection (c), an additional amount imposed under the  
 2 rules.
- 3 (3) For solid waste generated in Indiana or outside Indiana and  
 4 delivered to a final disposal facility in:
- 5 (A) a motor vehicle having a registered gross vehicle weight  
 6 of not more than nine thousand (9,000) pounds; or  
 7 (B) a passenger motor vehicle (as defined in IC 9-13-2-123);  
 8 fifty cents (\$0.50) for each load delivered by the motor vehicle.
- 9 ~~(c)~~ **(b)** The ~~solid waste management~~ board may adopt rules to  
 10 establish and impose a fee on the disposal or incineration of solid waste  
 11 that is:
- 12 (1) generated outside Indiana; and  
 13 (2) disposed of or incinerated in a final disposal facility in  
 14 Indiana.
- 15 If rules are adopted under this subsection, the fee shall be set at an  
 16 amount necessary to offset the costs incurred by the state or a county,  
 17 municipality, or township that can be attributed to the importation of  
 18 the solid waste into Indiana and the presence of the solid waste in  
 19 Indiana.
- 20 ~~(d)~~ **(c)** Revenue from fees collected under subsection ~~(b)(1)~~ **(a)(1)**  
 21 and ~~(b)(2)(A)~~ **(a)(2)(A)** shall be deposited in the state solid waste  
 22 management fund established by section 2 of this chapter. Revenue  
 23 from fees collected under subsection ~~(b)(2)(B)~~ **(a)(2)(B)** shall be  
 24 deposited in the hazardous substances response trust fund established  
 25 by IC 13-25-4-1, except that any part of the revenue that the board  
 26 finds is necessary to offset costs incurred by counties, municipalities,  
 27 and townships shall be distributed to solid waste management districts  
 28 pro rata on the basis of the district's population.
- 29 ~~(e)~~ **(d)** If solid waste has been subject to a fee under this section, the  
 30 total amount of the fee paid shall be credited against any other fee to  
 31 which the solid waste may later be subject under this section.
- 32 ~~(f)~~ **(e)** A fee may not be imposed upon material used as alternate  
 33 daily cover pursuant to a permit issued by the department under 329  
 34 IAC 10-20-13.
- 35 SECTION 9. IC 13-20-22-4 IS REPEALED [EFFECTIVE JULY 1,  
 36 2014]. ~~Sec. 4: An owner or operator of a final disposal facility~~  
 37 ~~responsible for collecting the fees imposed under section 1 of this~~  
 38 ~~chapter shall register with the department of state revenue. To register~~  
 39 ~~with the department of state revenue, the owner or operator must do the~~  
 40 ~~following:~~
- 41 ~~(1) Pay a registration fee of twenty-five dollars (\$25);~~  
 42 ~~(2) File a verified registration form containing the following:~~



(A) The registrant's name and address.

(B) The name and address of each final disposal facility owned or operated by the registrant.

(C) Any additional information that the department of state revenue reasonably requires.

SECTION 10. IC 13-20-22-5 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 5: (a) The department of state revenue may require a registrant under section 4 of this chapter to file a surety bond:

(1) in an amount determined by the department of state revenue of:

(A) not less than two thousand dollars (\$2,000); and

(B) not more than three (3) months tax liability for the registrant as estimated by the department of state revenue; and

(2) conditioned upon:

(A) the keeping of records; and

(B) the making of full and complete reports and payments;

as required by this chapter.

(b) If the registrant files a bond, the bond must:

(1) be with a surety company or financial institution approved by the department of state revenue; and

(2) name:

(A) the registrant as the principal; and

(B) the state as the obligee.

SECTION 11. IC 13-20-22-6 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 6: (a) The department of state revenue may require a registrant under section 4 of this chapter to furnish a current financial statement with the registration form:

(b) After registration, the department of state revenue may require a registrant to periodically furnish a current financial statement. If the registrant's financial condition warrants an increase in the surety bond, the department of state revenue may require the registrant to furnish an increased bond.

(c) The department of state revenue may require an audited financial statement under this section.

SECTION 12. IC 13-20-22-7 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 7: The department of state revenue shall issue a registration card to each registrant under section 4 of this chapter who complies with this chapter. The registration card shall be prominently displayed at each place in Indiana where the registrant is engaged in business as an owner or operator of a final disposal facility.

SECTION 13. IC 13-20-22-8 IS REPEALED [EFFECTIVE JULY 1, 2014]. Sec. 8: (a) Sixty (60) days after making a written request for



1 release to the department of state revenue; the surety of a bond  
 2 furnished by a registrant under section 5 of this chapter is released from  
 3 any liability to the state accruing on the bond after the sixty (60) day  
 4 period. The release does not affect any liability accruing before the  
 5 expiration of the sixty (60) day period.

6 (b) The department of state revenue shall promptly notify the  
 7 registrant furnishing the bond that a release has been requested. The  
 8 registrant must:

9 (1) obtain a new bond that meets the requirements of section 5 of  
 10 this chapter; and

11 (2) file with the department of state revenue a new bond within  
 12 the sixty (60) day period.

13 (c) The department of state revenue shall cancel the registration for  
 14 failure to submit a new bond within the sixty (60) day period.

15 SECTION 14. IC 13-20-22-9 IS REPEALED [EFFECTIVE JULY  
 16 1, 2014]. Sec. 9: (a) The department of state revenue may, after a  
 17 hearing, cancel a registration issued to an owner or operator of a final  
 18 disposal facility if the owner or operator does any of the following:

19 (1) Files a false monthly report of the information required by this  
 20 chapter.

21 (2) Fails or refuses to file a monthly report required by this  
 22 chapter.

23 (3) Fails or refuses to pay the full amount of the fee imposed by  
 24 this chapter on or before the due date established by section 11 of  
 25 this chapter.

26 (4) Fails or refuses to comply with IC 6-8.1-5-4.

27 (5) Knowingly removes or alters a sign posted by the department  
 28 of state revenue under section 17 of this chapter.

29 (6) Fails or refuses to have on file a valid bond; as required by  
 30 section 5 or 8 of this chapter.

31 (7) Fails to honor a subpoena issued under IC 6-8.1-3-12.

32 (b) The department of state revenue shall notify the owner or  
 33 operator at least fifteen (15) days before the date set for the hearing of  
 34 the proposed cancellation. The notice must be sent by registered mail  
 35 to the last known address of the owner or operator. The owner or  
 36 operator may appear at the time and place given in the notice to show  
 37 cause why the registration should not be canceled.

38 SECTION 15. IC 13-20-22-10 IS REPEALED [EFFECTIVE JULY  
 39 1, 2014]. Sec. 10: A person registered under this chapter may make a  
 40 written request to the department of state revenue to cancel the person's  
 41 registration. The department of state revenue may cancel the  
 42 registration sixty (60) days from the date of the written request if before



1 cancellation the person has:

2 (1) paid all fees, penalties, and interest accruing under this  
3 chapter or IC 13-9.5-5 (before its repeal); and

4 (2) surrendered to the department of state revenue the:

5 (A) registration certificate issued under this chapter or  
6 IC 13-9.5-5 (before its repeal); and

7 (B) any additional copies of the registration.

8 SECTION 16. IC 13-20-22-11 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) The owner or  
10 operator of a final disposal facility is responsible for collecting the fees  
11 imposed under section 1 of this chapter from persons delivering solid  
12 waste to that facility.

13 (b) Each owner or operator may:

14 (1) deduct from the fees an amount equal to one percent (1%) of  
15 the fees collected; and

16 (2) retain this amount as compensation for collecting and  
17 remitting the fees;

18 if the fees collected and the reports required under subsection (e) are  
19 timely remitted and filed.

20 (c) If:

21 (1) the fees collected are remitted; or

22 (2) the required report is filed;

23 after the due date, the owner or operator shall remit all fees collected  
24 to the department. ~~of state revenue.~~

25 (d) The owner or operator shall remit the remainder of the fees that  
26 the owner or operator collects during a month to the department ~~of state~~  
27 ~~revenue~~ not later than ten (10) days after the last day of the month in  
28 which the fees are collected.

29 (e) The owner or operator of a final disposal facility shall file  
30 monthly reports with the department concerning the fees collected  
31 under this section. The department shall adopt a form for these reports.  
32 An owner or operator shall use the form in reporting to the department.

33 SECTION 17. IC 13-20-22-12 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. Each month the  
35 department ~~of state revenue~~ shall deposit the following:

36 (1) Not less than fifty percent (50%) of the revenue from the fee  
37 imposed under section ~~1(b)(1)~~ **1(a)(1)** of this chapter into the  
38 Indiana recycling promotion and assistance fund established in  
39 IC 4-23-5.5-14.

40 (2) Not more than fifty percent (50%) of the revenue from the fee  
41 imposed under section ~~1(b)(1)~~ **1(a)(1)** of this chapter into the  
42 fund.



(3) The revenue from the fee imposed under section ~~1(b)(2)~~  
**1(a)(2)** of this chapter into the hazardous substance response trust  
 fund established by IC 13-25-4-1.

SECTION 18. IC 13-20-22-17 IS REPEALED [EFFECTIVE JULY  
 1, 2014]. Sec. 17: (a) If any of the following conditions occur, the  
 department of state revenue may post a sign at a solid waste disposal  
 site that prohibits further transactions involving solid waste disposal at  
 the site:

(1) An owner or operator of a final disposal facility becomes  
 delinquent in payment of any amount due under this chapter:

(2) There is evidence that the revenue of an owner or operator of  
 a final disposal facility is in jeopardy:

(3) An owner or operator of a final disposal facility is operating  
 without the registration required by this chapter:

(4) An owner or operator of a final disposal facility is operating  
 without the bond required by this chapter:

(5) An owner or operator of a final disposal facility continues to  
 operate the final disposal facility after the registration of the  
 owner or operator has been canceled under this chapter:

(b) The department of state revenue may require that the sign posted  
 under this section must remain posted until the owner or operator of the  
 final disposal facility does all of the following:

(1) Files all reports and pays in full the fees and penalties imposed  
 by this chapter:

(2) Pays in full the interest and penalties imposed under  
 IC 6-8.1-10-1 and IC 6-8.1-10-2.1:

(3) Obtains the registration required by this chapter:

(4) Provides the bond required by this chapter:

SECTION 19. IC 13-20-22-19, AS AMENDED BY P.L.158-2013,  
 SECTION 189, IS AMENDED TO READ AS FOLLOWS  
 [EFFECTIVE JULY 1, 2014]: Sec. 19. A person who knowingly or  
 intentionally fails to pay the fee to the department of state revenue  
 under section 11 of this chapter commits a Level 6 felony.

SECTION 20. IC 13-20-22-20 IS REPEALED [EFFECTIVE JULY  
 1, 2014]. Sec. 20: (a) A person who, without authorization:

(1) removes;

(2) alters;

(3) defaces; or

(4) covers;

a sign posted by the department of state revenue under section 17 of  
 this chapter commits a Class B misdemeanor. However, the offense is  
 a Level 6 felony if the offense is committed with the intent to evade the



1 fee imposed by this chapter or to defraud the state:

2 (b) An owner or operator of a final disposal facility shall notify the  
3 department of state revenue not later than two (2) days after  
4 discovering that a sign posted by the department has been removed;  
5 altered; defaced; or covered:

6 (c) An owner or operator of a final disposal facility who fails to  
7 notify the department under subsection (b) commits a Class B  
8 misdemeanor:

9 SECTION 21. IC 13-22-12-1 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Notwithstanding the  
11 fees established under IC 13-16-1, the hazardous waste:

12 (1) permit application fees;

13 (2) annual operation fees; ~~and~~

14 (3) prices for purchasing manifests; **and**

15 **(4) disposal fees;**

16 ~~contained~~ **provided for** in this chapter are established.

17 SECTION 22. IC 13-22-12-3.5 IS ADDED TO THE INDIANA  
18 CODE AS A NEW SECTION TO READ AS FOLLOWS  
19 [EFFECTIVE JULY 1, 2014]: Sec. 3.5. (a) For the disposal of  
20 hazardous waste in Indiana, the fees are as follows:

21 (1) For hazardous waste disposed of in a disposal facility,  
22 eleven dollars and fifty cents (\$11.50) per ton. If hazardous  
23 waste is mixed with or dissolved or suspended in water or  
24 another liquid at the time it is disposed of in a disposal  
25 facility, the entire mixture, solution, or suspension disposed of  
26 is considered hazardous waste disposed of in a disposal facility  
27 for the purposes of this subdivision.

28 (2) For hazardous waste disposed of by underground  
29 injection, eleven dollars and fifty cents (\$11.50) per ton.  
30 However, a person required to pay disposal fees under this  
31 subdivision is not liable for more than twenty-five thousand  
32 dollars (\$25,000) in disposal fees under this subdivision for all  
33 hazardous waste disposed of by the person by underground  
34 injection in one (1) calendar year.

35 (b) Fees imposed under subsection (a)(1) shall be paid by the  
36 operator of the disposal facility at which the hazardous waste is  
37 disposed of. For hazardous waste disposed of by underground  
38 injection at a location other than a disposal facility, the fee imposed  
39 on the disposal of the hazardous waste under subsection (a)(2) shall  
40 be paid by the person disposing of the hazardous waste.

41 (c) Fees imposed under this section shall be paid quarterly to the  
42 department in the manner prescribed by the department. However,



1 the department is not required to assess quarterly payments  
2 separately. Fees under this section begin accruing on January 1 of  
3 each year.

4 (d) The fees imposed under this section shall be based on the  
5 total tonnage of hazardous waste disposed of. The fees do not apply  
6 to the treatment or storage of hazardous waste in a disposal  
7 facility.

8 (e) The fees collected under this section shall be deposited in the  
9 hazardous substances response trust fund established by  
10 IC 13-25-4-1.

11 SECTION 23. IC 13-22-12-13 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 13. **Except for the**  
13 **hazardous waste disposal fee collected under section 3.5 of this**  
14 **chapter**, the fees and delinquency charges collected under this chapter:

15 (1) are payable to the department; and

16 (2) shall be deposited in the environmental management permit  
17 operation fund established by IC 13-15-11-1.

18 SECTION 24. IC 13-23-12-1 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Each year, ~~the~~  
20 ~~owner of~~ if an underground storage tank ~~that~~ has not been closed before  
21 ~~July~~ **January** 1 of ~~any~~ **the** year under:

22 (1) rules adopted under IC 13-23-1-2; or

23 (2) a requirement imposed by the commissioner before the  
24 adoption of rules under IC 13-23-1-2;

25 **the owner of the underground storage tank** shall pay to the  
26 department ~~of state revenue~~ an annual registration fee.

27 (b) The annual registration fee required by this section is as follows:

28 (1) Ninety dollars (\$90) for each underground petroleum storage  
29 tank.

30 (2) Two hundred forty-five dollars (\$245) for each underground  
31 storage tank containing regulated substances other than  
32 petroleum.

33 (c) **If an underground storage tank consists of a single tank in**  
34 **which there are separate compartments, a separate fee shall be**  
35 **paid under subsection (b) for each compartment within the single**  
36 **tank.**

37 ~~(e)~~ (d) If an underground storage tank consists of a combination of  
38 tanks, a separate fee shall be paid **under subsection (b)** for each tank  
39 **in the combination of tanks.**

40 SECTION 25. IC 13-23-12-2 IS AMENDED TO READ AS  
41 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. If the total amount  
42 of the fees owed under this article exceed five hundred dollars (\$500),



1 the fee payer has the option of paying the annual fees in four (4) equal  
 2 installment payments. The department of state revenue shall establish  
 3 a payment schedule to implement this section.

4 SECTION 26. IC 13-23-12-3 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. Except as provided  
 6 by section 2 of this chapter, the fee required by section 1 of this chapter  
 7 shall be paid annually in accordance with a payment schedule  
 8 established by the department of state revenue. The fee payment form  
 9 provided by the department of state revenue must accompany the fee  
 10 payment.

11 SECTION 27. IC 13-23-12-4 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. The department of  
 13 state revenue shall collect the fees paid under this chapter and deposit  
 14 the fees as follows:

15 (1) Fees paid in connection with underground petroleum storage  
 16 tanks shall be deposited as follows:

17 (A) Forty-five dollars (\$45) shall be deposited in the excess  
 18 liability trust fund.

19 (B) Forty-five dollars (\$45) shall be deposited in the petroleum  
 20 trust fund.

21 (2) Fees paid in connection with underground storage tanks used  
 22 to contain regulated substances other than petroleum shall be  
 23 deposited as follows:

24 (A) Forty-five dollars (\$45) shall be deposited in the  
 25 hazardous substances response trust fund.

26 (B) Two hundred dollars (\$200) shall be deposited in the  
 27 excess liability trust fund.

28 SECTION 28. IC 13-23-12-5 IS REPEALED [EFFECTIVE JULY  
 29 1, 2014]. Sec. 5: (a) The department of state revenue shall provide each  
 30 person who pays a fee under this chapter with a receipt and a copy of  
 31 the receipt. The receipt or the copy of the receipt shall be maintained  
 32 at:

33 (1) the place of business where the underground storage tank is  
 34 located; or

35 (2) if no place of business exists where the tank is located, the  
 36 place of business or residence of the owner of the tank.

37 (b) The owner of the tank shall produce the receipt for inspection at  
 38 the request of any authorized representative of the department or the  
 39 state fire marshal.

40 SECTION 29. IC 13-23-12-6 IS REPEALED [EFFECTIVE JULY  
 41 1, 2014]. Sec. 6: At least thirty (30) days before payment of a fee is due  
 42 in accordance with the schedule established under section 3 of this



chapter, the department of state revenue shall attempt to notify each owner of an underground storage tank who has submitted notification to the department as required under 42 U.S.C. 6991a(a) of the requirements of this chapter.

SECTION 30. IC 13-25-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The hazardous substances response trust fund is established. The purpose of the fund is to accumulate and maintain a source of money for the following purposes:

- (1) Financing contracts or cooperative agreements between the state and the President of the United States under Section 104 of CERCLA (42 U.S.C. 9604).
- (2) Providing state assistance in the form of supplies, materials, services, and equipment to:
  - (A) prevent the release of a hazardous substance or contaminant; or
  - (B) control, contain, isolate, neutralize, remove, store, or dispose of any hazardous substance or contaminant already released into or on the air, land, or waters of Indiana.
- (3) Financing response actions that are:
  - (A) undertaken or authorized by the commissioner with respect to sites in Indiana; and
  - (B) considered by the commissioner to be necessary to protect the public health or welfare or the environment from the release or threatened release of a hazardous substance or contaminant.
- (4) Paying expenses related to releases of regulated substances other than petroleum from underground storage tanks under IC 13-23-13-7.
- (5) Paying administrative and personnel expenses incurred by the state in responding to releases or threats of releases of hazardous substances or contaminants.
- (6) Paying claims for the reimbursement of necessary response costs incurred by persons that have received preauthorization from the commissioner for reimbursement.
- (7) Providing grants for household hazardous waste and conditionally exempt small quantity generator waste collection, recycling, or disposal projects under IC 13-20-20.
- (8) Paying administrative and personnel expenses incurred by the department in implementing and administering household hazardous waste and conditionally exempt small quantity generator waste collection, recycling, or disposal projects under



1 IC 13-20-20.

2 (9) Transferring funds to the environmental remediation revolving  
3 loan fund established by IC 13-19-5-2.

4 **(10) Paying administrative and personnel expenses incurred**  
5 **by the state in evaluating proposed modifications of restrictive**  
6 **covenants required under section 24(e) of this chapter.**

7 (b) Money in the fund at the end of a state fiscal year does not revert  
8 to the state general fund.

9 SECTION 31. IC 13-25-4-2, AS AMENDED BY P.L.38-2012,  
10 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2014]: Sec. 2. The sources of money for the fund are the  
12 following:

13 (1) ~~Revenue produced by the levy under IC 6-6-6.6: Fees paid~~  
14 ~~under IC 13-22-12-3.5 for the disposal of hazardous waste.~~

15 (2) Any payment to the state or the fund as:

16 (A) reimbursement for amounts expended by the state in a  
17 response action; ~~or~~

18 **(B) reimbursement of administrative and personnel**  
19 **expenses incurred by the state in evaluating proposed**  
20 **modifications of restrictive covenants required under**  
21 **section 24(e) of this chapter; or**

22 ~~(B)~~ (C) a settlement or judgment stemming from a lawsuit by  
23 the state or federal government to recover amounts expended  
24 by the state in a response action, including recoveries under  
25 section 10 of this chapter.

26 (3) Accrued interest and other investment earnings of the fund.

27 (4) Fees paid under IC 13-23-12-4(2) by owners and operators of  
28 underground storage tanks used to contain regulated substances  
29 other than petroleum.

30 (5) Appropriations made by the general assembly and gifts and  
31 donations from private and public entities intended for deposit in  
32 the fund.

33 (6) Grants and other payments made by the United States  
34 government under:

35 (A) the federal Solid Waste Disposal Act (42 U.S.C. 6901 et  
36 seq.) in relation to regulated substances other than petroleum;  
37 or

38 (B) CERCLA.

39 (7) Money received from responsible parties under agreements  
40 under section 23 of this chapter for response actions at specific  
41 sites.

42 SECTION 32. IC 13-25-4-7, AS AMENDED BY P.L.133-2012,



SECTION 154, IS AMENDED TO READ AS FOLLOWS  
 [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) The board shall adopt rules  
**under IC 4-22-2 and IC 13-14-9** establishing criteria for determining  
 the commissioner's priorities in selecting hazardous substance response  
 sites. Until ~~these~~ rules have been adopted **under this subsection**, the  
 commissioner shall give priority to those sites presenting a significant  
 threat to public health and environment.

(b) **The board shall adopt rules under IC 4-22-2 and IC 13-14-9  
 providing for the recovery of administrative and personnel  
 expenses incurred by the state in evaluating proposed  
 modifications of restrictive covenants required under section 24(e)  
 of this chapter.**

SECTION 33. IC 13-25-4-24 IS AMENDED TO READ AS  
 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 24. (a) This section  
 applies to real property that is:

(1) the site of an existing or former hazardous waste facility that  
 is or was subject to regulation under:

(A) IC 13-22-2 through IC 13-22-8 and IC 13-22-13 through  
 IC 13-22-14; or

(B) Subchapter III of the federal Solid Waste Disposal Act (42  
 U.S.C. 6921 through 6939e); or

(2) a site:

(A) on which a hazardous substance has been:

(i) deposited;

(ii) stored; or

(iii) disposed of; and

(B) that is or was listed on the Comprehensive Environmental  
 Response, Compensation, and Liability Information System  
 (CERCLIS) in accordance with Section 116 of CERCLA (42  
 U.S.C. 9616);

if more than an insignificantly small amount of a hazardous substance  
 remains on or beneath the surface of that property after the partial or  
 final closure of a hazardous waste facility located on the property or the  
 completion of a remedial action on the property under CERCLA or this  
 chapter.

(b) The owner of real property described in subsection (a) shall  
 execute and record, in the office of the county recorder of the county  
 in which the property is located, a restrictive covenant applying to the  
 property if the commissioner determines that a restrictive covenant  
 meeting the requirements set forth in subsection (c) is necessary to  
 protect the public health or welfare or the environment from  
 unreasonable risk of future exposure to a hazardous substance.



(c) A restrictive covenant required under this section must:

(1) to the extent feasible, describe:

(A) the identity, quantity, and location of every hazardous substance:

(i) deposited;

(ii) stored;

(iii) disposed of; or

(iv) placed;

on the property; and

(B) the extent to which each hazardous substance remains on the property; and

(2) incorporate the conditions and restrictions that the commissioner considers necessary to assure that the future use of the property will not disturb the final cover, any liners, or any components of the hazardous substance containment system on the property, or disturb the function of the monitoring system on the property, unless the commissioner finds that the disturbance:

(A) is necessary to the proposed use of the property and will not increase the potential hazards to human health or to the environment; or

(B) is necessary to mitigate a threat to human health or to the environment.

(d) If a change of conditions or advancements in science or technology permit an alteration in the conditions and restrictions imposed by a restrictive covenant required by this section that would not increase the potential hazards to human health or to the environment, the commissioner ~~upon written request by the owner of the real property~~, may **under subsection (e)** authorize the filing of a supplemental recording recognizing a change in the restrictive covenant in the office of the county recorder to reflect the change in the conditions and restrictions.

**(e) The commissioner may authorize the filing of a supplemental recording recognizing a modification of a restrictive covenant under subsection (d) if the owner of the real property submits to the department:**

**(1) a written request for the modification of the covenant;**

**(2) a copy of the proposed modification of the restrictive covenant; and**

**(3) information indicating why the covenant should be modified.**

**The information submitted under subdivision (3) must be sufficient to enable the department to determine whether the proposed**



1 **modification of the restrictive covenant will increase the potential**  
 2 **hazards to human health or the environment. The commissioner**  
 3 **may request additional information from the owner of the real**  
 4 **property if necessary to the making of a determination under this**  
 5 **subsection.**

6 SECTION 34. IC 35-51-13-1, AS ADDED BY P.L.70-2011,  
 7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2014]: Sec. 1. The following statutes define crimes in IC 13:

9 IC 13-18-8-9 (Concerning water pollution control).

10 IC 13-18-13-31 (Concerning water pollution control).

11 IC 13-18-21-31 (Concerning water pollution control).

12 IC 13-19-5-17 (Concerning environmental remediation revolving  
 13 loan program).

14 IC 13-20-13-17 (Concerning solid waste management).

15 IC 13-20-22-19 (Concerning solid waste management).

16 ~~IC 13-20-22-20 (Concerning solid waste management).~~

17 IC 13-20-22-21 (Concerning solid waste management).

18 IC 13-23-7-9 (Concerning underground storage tanks).

19 IC 13-23-9-6 (Concerning underground storage tanks).

20 IC 13-25-4-28 (Concerning hazardous substances).

21 IC 13-29-1-14 (Concerning Midwest Interstate Compact on  
 22 Low-Level Radioactive Waste).

23 IC 13-30-10-1 (Concerning the environment).

24 IC 13-30-10-1.5 (Concerning the environment).

25 IC 13-30-10-5 (Concerning the environment).

26 IC 13-30-10-6 (Concerning the environment).



COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1342, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1342 as introduced.)

Committee Vote: Yeas 12, Nays 0

Representative Wolkins

